

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SENGDAVANH SAVATH,

Petitioner,

v.

NATHALIE R. ASHER,

Respondent.

NO. C14-1447-RAJ-JPD

REPORT AND
RECOMMENDATION

Petitioner is a native and citizen of Laos. Dkt. 8-1. Proceeding *pro se*, he filed the instant habeas corpus petition pursuant to 28 U.S.C. § 2241, seeking release from immigration detention at the Northwest Detention Center in Tacoma, Washington. Dkt. 1. Respondent has moved to dismiss, arguing that the petition is moot because petitioner has since been released on supervised release. Dkt. 9; *see also* Dkt. 7. Petitioner has not responded to the motion to dismiss.

Under Article III of the U.S. Constitution, federal courts may adjudicate only actual, ongoing cases or controversies. *Deakins v. Monaghan*, 484 U.S. 193, 199 (1988). Where the court can no longer grant effective relief, it lacks jurisdiction and must dismiss the case as moot. *See, e.g., Cox v. McCarthy*, 829 F.2d 800, 805 (9th Cir. 1987); *Enrico's, Inc. v. Rice*, 730 F.2d 1250, 1254 (9th Cir. 1984). Because petitioner has already been given the relief he

1 requested—release from detention—his claim must be denied as moot. *See Flores-Torres v.*
2 *Mukasey*, 548 F.3d 708, 710 (9th Cir. 2008) (dismissing as moot portion of habeas petition
3 challenging detention without bond upon grant of bond hearing).

4 Accordingly, the Court recommends that respondent's motion to dismiss, Dkt. 7, be
5 GRANTED, petitioner's habeas petition, Dkt. 1, be DENIED as moot, and this action be
6 DISMISSED without prejudice. A proposed order accompanies this Report and
7 Recommendation.

8 Objections to this Report and Recommendation, if any, should be filed with the Clerk
9 and served upon all parties to this suit by no later than **December 23, 2014**. Failure to file
10 objections within the specified time may affect your right to appeal. Objections should be
11 noted for consideration on the District Judge's motion calendar for the third Friday after they
12 are filed. Responses to objections may be filed within **fourteen (14)** days after service of
13 objections. If no timely objections are filed, the matter will be ready for consideration by the
14 District Judge on **December 26, 2014**.

15 This Report and Recommendation is not an appealable order. Thus, a notice of appeal
16 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the
17 assigned District Judge acts on this Report and Recommendation.

18 DATED this 2nd day of December, 2014.

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20 JAMES P. DONOHUE
21 United States Magistrate Judge
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